IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6159 of 2004

Between:

Rachamadugu Venkata Subramanyam @ Subbu S/o R.V.Narasimhaiah
H.No.45-142-A6, Venkata Ramana Colony, Kurnool

... PETITIONER

AND

1 The Dy.Superintendent of Police Kurnool, Kurnool Dist
2 The Station House Officer, II Town Police Station Kurnool

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ particularly one in the nature of Writ of Mandamus, declaring the action of the respondent police in opening the rowdy sheet No.717/2000 dated 25/12/2000 against the petitioner and continuing the same till date, even though such action is not warranted as the petitioner is a law abiding citizen not done any criminal act attracting the ingredients for opening a rowdy sheet, as illegal, arbitrary and violative of Article 14, 19 and 21 of Constitution of India and consequently set aside the above stated rowdy sheet opened against the petitioner forthwith

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner questions the action of the respondents in opening Rowdy Sheet No.717 of 2000 dated 25.12.2000 on the file of the SHO, II town, Police Station, Kurnool.

Petitioner was involved in Cr.No. 139 of 1998 for the offence under Sections 498 (A) and 306 IPC. After filing of the charge sheet the case ended in acquittal of the petitioner vide S.C.No.189 of 2000 on 12.04.2001 on the file of the IV Additional Sessions Judge, Kurnool. Thereafter, the petitioner was bound over for a period of six months in Cr.No. 74 of 2004 registered under Section 110 (e) Cr.P.C. on 24.03.2004 and the said six months period is already over by September 2004. Therefore, no case is pending against the petitioner.

A Rowdy Sheet can be opened against an individual if he is a habitual offender involving in breach of peace. As no case is pending against the petitioner, it cannot be said that the petitioner would attempt to commit any crime involving breach of peace. Therefore, I am of the opinion that continuance of the rowdy sheet against the petitioner is illegal and unsustainable.

The writ petition is accordingly allowed directing the respondents to close the rowdy sheet opened against the petitioner. No costs.

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V. ESWARAIAH, J

April 12, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon’ble Sri Bilal Nazki, the Acting Chief Justice on this

Tuesday the Twelfth Day of April Two Thousand and Five.

To

1 The Dy.Superintendent of Police Kurnool, Kurnool Dist
2 The Station House Officer, II Town Police Station Kurnool

3 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.